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C O N F I D E N T I A L TUNIS 000712

SIPDIS

FSI FOR DIRECTOR WHITESIDE AND SLS DEAN MORRIS
NEA FOR FRONT OFFICE AND NEA/MAG
L FOR L/DL
OBO FOR ADNAN KANUN

E.O. 12958: DECL: 06/17/2018

TAGS: ABLD AMGT PGOV AFSI TS

SUBJECT: MFA SAYS FSI WRITTEN AGREEMENT WOULD CODIFY THE STATUS QUO

REF: TUNIS 705

Classified By: Amb. Robert F. Godec for reasons 1.4 (b) and (d)

¶1. (C) Summary: On June 28, three senior MFA officials assured the DCM and FSI school director that the GOT wishes to simply put in writing the existing arrangements for the presence of the FSI Arabic Language Field School in Tunisia. They said the prospective move onto the Embassy compound gave FSI's presence a more permanent nature and that Article 3 of the Vienna Convention did not contemplate the school facility as a normal arrangement. Acknowledging the time limit that we face to obligate funds for the construction of a new school, they urged rapid action to put a document together that would place in writing existing practice so that the building permit we seek could be released by the end of July.

They asked for language from the U.S. side that lists the current situation no later than Thursday morning (although ideally earlier) so that a document could be quickly put together. The assurances by the Foreign Minister to the Ambassador (reftel) together with the presence of three Directors General (for Americas and Asia, Protocol and Legal Affairs) for this one meeting suggests the Tunisians want to move forward quickly. We have drafted proposed language for Washington's review to pass to the Tunisians containing those elements we believe would safeguard the current status of the field school and the USG personnel assigned to it. Rapid action will be required to prevent the loss of this fiscal year's building funds. End Summary

¶2. (C) The DCM and FSI field school director met with Director General for Asia and the Americas Ilyas Kasri, Director General for Protocol Moncef Hajeri and Director General for Legal Affairs Mondher Dheraief June 28 to discuss the recent diplomatic note (reftel) seeking a written agreement on the future of the FSI Arabic Language Field School. The Tunisian request came in light of our desire to move FSI onto the Embassy compound into a purpose built facility.

¶3. (C) In his remarks, Kasri said that the primary motivation for the information meeting was to review the status of the school. He noted that there had been "diplomatic tolerance" of the school since 1975 but that the planned construction gave its presence a permanent nature. He also noted that the activities of the school were not contained within the normal definition of a diplomatic function as contained in the Vienna Convention on Diplomatic Relations. The DCM replied with a detailed description of the current status of the FSI school as an integral part of the Embassy's activities under the authority of the Chief of Mission, an explanation of FSI Washington as an integral part of the Department of State, and clearly delineated FSI Tunis from private organizations such as AMIDEAST.

No Change in the Status Quo Sought

¶4. (C) In response, Kasri and Dheraief stated that they are not seeking any change in the current status of FSI but they do wish to put in writing the current rights and obligations of each side to include whatever expectations that the U.S. might have. Acknowledging that FSI Tunis is a small part of the training activities of the Department, they said they were not wedded to the language "accord de siege" (headquarters agreement), nor were they concerned about the number of personnel that FSI might train. They said that their goal was the rapid creation of a text that describes the current situation or even possibly makes it better while clarifying all points related to FSI's operation. Dheraief asked many practical questions to verify the fact that FSI trained only USG personnel and whether such personnel needed or received different treatment from other diplomats. DCM replied that the diplomats studying Arabic currently received the same treatment internally within the USG in terms of administrative support as other Embassy personnel and only needed to receive the same treatment from the GOT as the rest of the Embassy's diplomatic personnel. The only difference is that their tours of duty are shorter than other Embassy personnel since they normally stay no longer than one year. Hajeri pointed out to Dheraief that all the personnel have diplomatic status (something accorded to FSI students in December 2006 by the Tunisians since they hold diplomatic passports and for which we received concurrence from the Department). Dheraief noted that from a legal point of view the move of the FSI students into the Embassy compound clearly adds to the validity of current practice that they be

treated as diplomatic personnel since their activities would no longer be in a separate location but within the Embassy's walls.

We Should Move Ahead

¶5. (C) Given the strongly positive nature of the meeting, especially the assurances received that there is no desire to degrade the status of FSI Tunis, we believe we should accede to the request at the meeting to provide language that would describe the status of FSI Tunis and receive written confirmation of that status. Given that FSI Tunis has functioned since 1975 without any written guarantee on keeping its operations, under the circumstances we believe that such a document, if agreed to by the end of July as urged by Kasri, would remove the current obstacle and serve as a legal guarantee for our pending \$40 million investment in the planned training facility. We would suggest that any eventually agreed document be implemented through an exchange of diplomatic notes. Below we suggest a text for such a note.

Text of Suggested U.S. Document

¶6. (SBU) (Complimentary Opening) and has the honor to refer to the Ministry's notes No. 228/19463 dated June 23, 2008 and 193/16691 date May 29, 2008 and seeks the Ministry's written acknowledgement of the current status of the Foreign Service Institute Arabic Language Field School (FSI-Tunis), an indivisible part of the American Embassy that has provided Arabic language and cultural affairs training for American diplomatic officials in Tunis since 1975, thanks to the hospitality of the Government of Tunisia. The Foreign Service Institute in Washington is the training division of the United States Department of State.

FSI-Tunis is a section of the American Embassy that consists of American government personnel, who manage or are trained at the institute, Arabic language teachers who are Tunisian or of other nationalities who have residence status in Tunisia or are able to obtain legal permits to work in Tunisia, and administrative support personnel who are hired locally in Tunisia. In 1985, FSI-Tunis moved to its current

location in a rented villa in Sidi Bou Said. As noted in the Embassy's note No. 529 of April 15, 2008, the Embassy wishes to move the functions of FSI-Tunis into a new building on the Embassy's compound that would permit modernization and growth of FSI-Tunis' operations and provide a more secure facility than the one currently being occupied. The move would permit FSI-Tunis to be physically co-located with the rest of the Embassy of which it is a part, and diminish the need for the Government of Tunisia to provide separate security support in Sidi Bou Said.

The Embassy proposes that both governments agree that the American personnel assigned to manage or study at FSI-Tunis will continue to have diplomatic status. The Government of Tunisia currently accords the same rights and privileges to USG personnel at FSI-Tunis as it does to all other personnel covered by the Vienna Convention on Diplomatic Relations and we propose that it continue to do so. The Embassy proposes that the Ministry agree to continue to treat the training activities of FSI-Tunis as an acceptable activity that would be treated equally to those activities listed under Article Three of the Vienna Convention on Diplomatic Relations.

The Embassy wishes to state for the record that the training activities of FSI-Tunis are designed only for United States Government personnel and their dependents, have no commercial purpose and are not open to the general public of any nationality. The typical training period for United States Government personnel assigned to FSI-Tunis is 11 months during which time they receive instruction in advanced Arabic, including language and culture lectures, media training, immersion field trips within Tunisia and interim and end of year testing. In individual cases the training period is at times shorter or longer depending on specific pedagogical needs. American personnel assigned to FSI-Tunis receive the same administrative support and are treated by the American Embassy in the same manner as all other American personnel assigned thereto. All personnel are under the authority of the American Ambassador in the same manner as the rest of the Embassy.

The Embassy requests that the Ministry of Foreign Affairs confirm by return diplomatic note its agreement to the above.

Complimentary close.

17. (SBU) We request a rapid reply from the Department so that we can engage as quickly as possible with the GOT on creating an acceptable document.
GODEC